

# SuniTAFE Complaints and Appeals Policy

## 1 Purpose

This policy outlines the principles that govern the Institute’s handling of complaints and appeals.

## 2 Scope

This policy applies to all complaints and appeals received by the Institute, made by any party including students (current, past or prospective), business or agencies, employers, employees of the Institute and/or members of the general public.

The scope of this policy applies to complaints and appeals that are received and investigated internally within the Institute. In instances where a concern or complaint leads to a reasonable suspicion of unlawful behaviour that puts an individual, the Institute or the community at risk, it is highly likely that the matter will be referred by the Institute to a relevant law enforcement agency.

## 3 Definitions

Acronym/Term	Definition
<b>Appeal</b>	A formal request for a change in, or confirmation of a decision
<b>Appellant</b>	A person submitting an appeal
<b>Complainant</b>	A person making a complaint
<b>Complaint</b>	An expression of dissatisfaction that arises when a person believes they have been wronged because of an action, decision or omission within the control or responsibility of the Institute.
<b>Formal Complaint</b>	A complaint that has not been resolved or is not appropriate to be resolved at the informal level, and which is investigated and responded to in a prescribed manner.
<b>IBAC</b>	Independent Broad-based Anti-Corruption Commission
<b>Informal Complaint</b>	A complaint made to a member of staff through the course of the day-to-day operations of the institute, received through feedback channels, face-to-face communication, email, or telephone, that is commonly resolved at the first point of contact, or at the lowest operational level.
<b>Institute</b>	Sunraysia Institute of TAFE
<b>Investigation</b>	Actions taken to determine the relevant facts of a matter.
<b>Respondent</b>	A person about whom a complaint is made
<b>Responsible Officer (Investigating Officer)</b>	The staff member who is delegated responsibility for investigating and responding to a complaint

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## **4 Policy**

### **4.1 Principles**

The Institute recognises the right of any person to raise concerns and/or complaints about the conduct of its employees, directors, contractors acting on behalf of the Institute, and/or the quality of the services provided by the Institute, and to have those concerns, complaints, or any associated appeal to be managed consistently, effectively, and efficiently.

Management of complaints will be guided by the following principles:

- 4.1.1 Commitment: The Institute is committed to resolving complaints, and maintaining a culture that recognises and supports the rights of individuals, businesses or agencies to raise a concern, complaint or appeal.
- 4.1.2 Accessibility and Transparency: Information on how and where to complain, and how the Institute will manage the complaint or appeal is readily available. The process of making a complaint is simple, free of charge, flexible and easy to understand for people with a range of needs. Specifically, the Institute will maintain systems to ensure that complaints can be made via any of the following;
- the official Sunraysia Institute of TAFE website (*'Contact Us' page*)
  - telephone
  - email
  - mail
  - face-to-face
- 4.1.3 Responsiveness: Complaints and appeals are acknowledged and acted on promptly, and within established timeframes. All parties to a complaint or appeal are kept informed about the progress of enquiries and actions relating to the complaint.
- 4.1.4 Procedural Fairness: The principles of procedural fairness will be observed appropriate to the circumstances, allowing for:
- 4.1.4.1 A reasonable opportunity for all parties associated with a complaint or appeal to explain their position and/or provide evidence in relation to the dispute;
- 4.1.4.2 Objective assessment of the information provided by all parties will be undertaken by a person or persons who are independent of the matters raised in the complaint or appeal; and
- 4.1.4.3 The provision of reasons for any decisions made, or conclusions reached, sufficient to enable a party to decide if they wish to further challenge a decision or conclusion.
- 4.1.5 Confidentiality and Privacy: Information gathered is handled according to privacy laws and other relevant legislative requirements. All parties to a complaint are made aware of how personal information will be handled, and associated record keeping is maintained in accordance with these principles.

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- 4.1.6 Continuous improvement: Information arising from complaints and appeals is acted on, and opportunities are taken to identify broader issues and improve services.
- 4.1.7 Informal Resolution: Wherever possible the Institute will endeavour to resolve issues locally at the lowest possible operational level and as quickly as possible.

### 4.2 Process Requirements

All complaints and appeals will:

- 4.2.1 Be recorded by a delegated responsible officer and retained as an Institute record;
- 4.2.2 Inform the complainant of their right to refer the matter to a relevant independent agency, including the Office of the Victorian Ombudsman, or where there is a reasonable suspicion of unlawful conduct to the independent Broad-based Anti-corruption Commission or Victoria Police;
- 4.2.3 Wherever possible, comply with the specified timelines for responses of each stage of the process as stated below;

Process Stage	Timeframe
Acknowledgement of receipt of a complaint or appeal request	Within 1 business day of receipt of the complaint or appeal request.
Resolution of the complaint or appeal	Procedures for managing complaints outline required timeframes for resolution.  Where the nature of the matter is complex or requires more detailed investigation, and cannot be resolved within required timeframes, regular periodic reviews are to be undertaken and the complainant will be provided with updates on progress on a regular basis. Where the complaint or appeal will take more than 60 calendar days to finalise, the complainant or appellant must be informed in writing as soon as reasonably practical of the reasons why more than 60 calendar days are required.

- 4.2.4 Allow the complainant and/or respondent to be accompanied and assisted by a third party if desired;
- 4.2.5 State that decisions and actions are given in writing if requested by the complainant and or/respondent;
- 4.2.6 Ensure that complainants and respondents are not victimised or discriminated against; and
- 4.2.7 Be complete, unambiguous and agreed to and ratified by the Institute.
- The process includes:
- 4.2.8 The provision for appeal through an independent internal investigation of

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complaints which remain unresolved;

4.2.9 The provision for external review of decisions made following any internal investigation; and

4.2.10 Consideration of any recommendations arising from the external review.

### 4.3 Complaint Management Roles and Responsibilities

4.3.1 Frontline staff should always endeavour to, within reason and the limits of their responsibility, resolve the basis for the complaint, or refer the complaint to a designated responsible officer for investigation/review as per the following;

Complainant	Complaint Managed by:
Complaint made by non-staff member e.g. student, employer, industry, member of the public etc.	For informal complaints: Relevant departmental Manager For all formal complaints: Senior Manager, Compliance & Risk
Complaint made by staff member of SuniTAFE	Senior Manager, HR Services (where the complaint relates to HR Services, the complaint should be made to the General Manager, Corporate Services).

#### 4.3.2 Informal Complaints

4.3.2.1 Wherever possible the Institute aims to resolve complaints at the earliest opportunity and at the most local level thereby reducing the potential for costs, delay or anxiety for all parties.

4.3.2.2 Staff will respond to informal complaints as quickly as possible, with complainants given advice as to when they should expect a response in accordance with the timeframes outlined in this policy.

4.3.2.3 Where informal resolution is not possible, staff will provide the complainant with a pathway to enable the progression of their complaint to a formal process.

#### 4.3.3 Formal Complaints

4.3.3.1 Formal Complaints should be lodged in writing, and registered by the Compliance & Risk Unit in the Institute Complaints Register. The complaint will be managed in accordance with the Institute's Complaints & Appeals Procedures.

4.3.3.2 The responsible officer will issue an official response to the complainant at the conclusion of an investigation. The response issued to a complainant will provide;

- a) A description of the matters raised and investigated;
- b) An outline of the steps taken to investigate and resolve the complaint;
- c) Clearly identify the outcome of the investigation, and if substantiated, the remedies proposed;

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- d) Reasons for any decision made in relation to the complaint;
- e) Contact details of the designated responsible officer the complainant can contact to discuss the outcome.

4.3.3.3 Recommendations for rectification and/or improvement opportunities arising from an investigation, that are agreed to by the investigator and relevant departmental head responsible for implementing the recommendations, will be entered into the Institutes Complaints Register. All recommendations will be monitored ensure that the associated actions have been implemented.

#### 4.4 Anonymous Complaints/Public Interest Disclosures

4.4.1 The Institute recognises the right of a party to lodge a complaint anonymously, or to seek the legal protections afforded under Public Interest Disclosures Act 2012 (Vic) (the Act). In this respect, the following should be noted;

4.4.1.1 In accordance with the Act, Sunraysia Institute of TAFE cannot offer the legal protections of a Public Interest Disclosure. A complainant seeking to make a public interest disclosure must refer their concern or complaint to the Independent Broad-based Anti-Corruption Commission (IBAC).

4.4.1.2 Concerns raised with the Institute relating to actual or suspected maladministration, fraud, corruption and/or misconduct may be referred directly to IBAC at any time.

4.4.2 The Institute may need to contact complainants to seek additional information, or clarify information provided to complete its enquiries and investigations, and determine an appropriate response to the complaint. Where complaints are lodged anonymously, complainants should be aware that this may impede the Institute's ability to satisfactorily investigate or respond to the matters raised in the complaint.

#### 4.5 Withdrawal of a Complaint or Appeal

4.5.1 A complainant/ appellant may withdraw their complaint or appeal at any stage of the formal or informal process.

4.5.2 If the formal process is underway, any withdrawal request must be in writing.

4.5.3 Notwithstanding the withdrawal of a complaint or appeal, the Institute reserves the right to continue any investigation into the complaint or appeal it has initiated or refer the matter to another agency for investigation.

#### 4.6 Analysis of Complaints and Improvements

4.6.1 Information and data gathered through complaints and appeals investigations is used to inform SuniTAFE's Quality Assurance process, as outlined in the *Quality Management Policy*.

4.6.2 SuniTAFE regularly monitors complaint data to identify systemic issues and trends over time through regular reporting of complaint data to Management and the Board.

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- 4.6.3 Where complaints and appeals investigations identify or recommend business improvements, these will be captured and monitored for implementation to mitigate the risk of reoccurrence.
- 4.6.4 Where information and data trends identify potential systemic issues or other areas of risk or concern, Management should direct that further investigation be undertaken, and any necessary actions identified and implemented.

## **5 Legislative Context**

- Standards for Registered Training Organisations 2015 (Cth)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Education Services for Overseas Students Act 2000 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Higher Education Support Act 2003 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Public Interest Disclosures Act 2012 (Vic)
- Public Records Act 1973 (Vic)
- Racial Discrimination Act 1975 (Cth)
- VET Student Loans Act 2016 (Cth)

## **6 Associated documents**

### 6.1.1 Associated Policies

- Access and Equity Policy
- Child Safety Policy
- Employment and Recruitment Policy
- Diversity, Inclusion and Equal Opportunity Policy
- Fraud and Corruption Control Policy
- Information Privacy Policy
- Public Interest Disclosure Policy
- Records Management Policy
- Appropriate Workplace Behaviour Policy
- Student Code of Conduct Policy.

### 6.1.2 Associated Procedures

- Fraud and Corruption Investigation Procedure
- Fraud and Corruption Reporting Procedure

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- Complaints and Appeals Procedure – Students & Community
- Staff Complaints and Appeals Procedure
- Tender Process Complaints Procedure

### 6.1.3 Associated Forms

- Formal Complaint Form
- Informal Complaint Form

### 6.1.4 Other associated documents

- Investigation Report
- Victorian Ombudsman's [Good Practice Guide for Public Sector Agencies 2016](#) (Complaints)
- Victorian Public Sector Commission Code of Conduct for Public Sector Employees

## 7 Responsibility

The General Manager, Corporate Services is responsible for ensuring compliance with this policy, and its associated procedures and systems.

## 8 Review Frequency

This policy is to be review every three (3), and remains in force as amended from time to time, until rescinded.

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